

\COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC ANNUAL COST RECOVERY	)	
FILING FOR DEMAND SIDE MANAGEMENT BY	)	CASE NO.
DUKE ENERGY KENTUCKY, INC.	)	2016-00382

ORDER

On November 15, 2016 Duke Energy Kentucky, Inc. (“Duke Kentucky”) filed its annual Demand-Side Management (“DSM”) status report. In addition to the status report, Duke Kentucky filed a proposed DSM tariff Rider DSMR reflecting revisions to the DSM rates. The Commission issued an Order on November 23, 2016, that, among other things, required any motion to intervene to be filed no later than December 12, 2016.<sup>1</sup> That Order also required a person who submits a motion to intervene after December 12, 2016, to demonstrate good cause to support the untimely intervention.<sup>2</sup>

Pursuant to 807 KAR 5:016, Section 16(2)(c), the applicant must serve a copy of its application on the Office of Attorney General’s Office of Rate Intervention (“Attorney General”). Duke Kentucky’s application indicates that the required copy was served electronically on the Attorney General.<sup>3</sup>

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<sup>1</sup> Order (Ky. PSC Nov. 15, 2016) (“Nov. 15, 2016 Order”) at 3.

<sup>2</sup> *Id.*

<sup>3</sup> Application at 54.

On December 22, 2016, the Attorney General, citing KRS 367.150(8), untimely filed a motion to intervene.<sup>4</sup> In the Motion to Intervene the Attorney General acknowledges that his motion is untimely, yet states that he has good cause for the untimely motion.<sup>5</sup> The Attorney General states that when Duke Kentucky filed its application, the Attorney General, “due to time constraints, was unable to commit to intervention due to a possible lack of resources.”<sup>6</sup> The Attorney General, upon reviewing the timing of this proceeding and his staff’s schedules, now believes he is able to participate in the case and play a constructive role in the proceeding, and that a better understanding of Duke Kentucky’s DSM portfolio is necessary to effectively protect consumer’s interests.<sup>7</sup> The Attorney General also states that he will abide by the procedural schedule and has consulted with counsel for Duke Kentucky, who had no objection to the Attorney General’s motion.

We find that the Attorney General’s Motion to Intervene demonstrates good cause for his late intervention into the case. We find that requiring the Attorney General to accept and abide by the existing procedural schedule is adequate to protect the rights of Duke Kentucky and maintain an orderly review of the application. Having found good cause, we will grant the Attorney General’s motion to intervene.

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<sup>4</sup> Attorney General’s Motion to Intervene Out of Time (filed Dec. 22, 2016) (“Motion to Intervene”) at 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

IT IS HEREBY ORDERED that:

1. The Attorney General's Motion to Intervene is granted.
2. The Attorney General shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. The Attorney General shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and filing of documents.
4. The Attorney General shall adhere to the procedural schedule set forth in the Commission's November 23, 2016 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001. Section 8(9), within seven days from the date of this Order, the Attorney General shall file a written statement with the Commission that:
  - a. Certifies that he, or his agent, possesses the facilities to receive electronic transmissions; and
  - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

By the Commission



ATTEST:

  
Executive Director

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